

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
September 2, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, September 2, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, and James S. Burgett.

Thomas G. Shepperd was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor David T. Hampton, Crooks Memorial United Methodist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett presented Ann H. Thomas, Commissioner of the Revenue, with her 30-year service pin and certificate.

VIRGINIA ASSOCIATION OF GOVERNMENTAL PURCHASING (VAGP) AWARD

Mr. McReynolds provided information on the VAGP Award, and Chairman Burgett presented the Professional Manager of the Year award plaque to the recipient of the 2003 award, York County Purchasing Agent Tom Sawyer.

NATIONAL ASSOCIATION OF COUNTIES (NACo) ACHIEVEMENT AWARDS

Mr. McReynolds read information on the award program and the York County nominations, and Chairman Burgett presented the award certificates to the following 10 awardees:

Tom Gallagher	Establishing a Fishery for the Production of Mosquito Fish
John Hudgins	Citizen Input – A Valuable Design Tool
Korine Leonard	Tax Maps on the Web
Karen Forester	Cost Savings by Reducing the Number of Utility Delinquent Notices Mailed
Jim Orband & Teri Cheslack	4-H Lawn Mowing Training Program
Robert Peters	Agency Partnerships
Assistant Chief Bob Brown	Doorknob Hanger Notification

Captain Paul Long	Line of Duty Death or Significant Injury Management Plan
Terry Hall	E-911 Wireless Deployment and Utilization of Location Technology
Assistant Chief Jim Dishner	Holiday Hints

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) AWARD

Mr. McReynolds provided background information on the GFOA Award, noting York County has received the Award for Excellence in Financial Reporting for the past 17 years.

Chairman Burgett presented the award plaque to Carol White, Director of Financial and Management Services.

Mr. McReynolds then also introduced the Budget and Financial Reporting Staff: Sharon Day, Jody Bauer, and Carolyn Cuthrell.

CLEAN BUSINESS AWARDS

Clean Business Awards for the third quarter of 2003 were:

Upper County:	Mirabella's
Middle County:	Loweman's Trailer Court
Lower County:	Unusual Designs

CITIZENS COMMENT PERIOD

Mr. Joseph Taylor, 109 Marlbank Drive, discussed the delay in moving ahead with the historic district regulations, and he asked if the question was being opened again. He urged the Board to move on with adopting the regulations.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett made no report at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board that the next regular meeting would be held on September 16 and would include recommendations on the Route 17 improvements. He noted the Board has scheduled a work session on September 9 to discuss the 2004 Legislative Program and the proposal to merge economic development entities on the Peninsula and the southside. He also noted a work session has also been scheduled for September 23 to discuss the Secondary Road Program.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba asked Mr. McReynolds to update the Board on the Clerk of Circuit Court's request to help solve her storage problems and the backlog of work.

Mr. McReynolds stated he had met with Mr. Peters of General Services and Mrs. Jenkins to discuss the storage issue, and arrangements are being made to move her into some space occupied by the former Law Library to resolve the problem. Regarding the volume of work issue, he stated the workload has increased significantly because of interest rates being down

and the number of recent loan refinancings that have to be recorded. He noted he and Mrs. Jenkins are still working together on alternatives dealing with staff, but they have no recommendation for a solution at this time.

Discussion followed concerning the possibility of part-time help for the Clerk's Office to help with this peak work period.

Mr. Zaremba then asked Mr. Hudgins to address the fact that the Queens Lake subdivision has finally arrived at the top of the list and is scheduled to begin construction for sewer and water systems. He noted that sewer is mandatory, but 65 percent of the residents must sign up for water service in order for that project to go through. He indicated that for years Queens Lake has been served by an old system owned by a private company, and he asked what, if any, upgrades will be implemented by the new owner.

Mr. Hudgins stated he had talked to an officer of Sydnor several years ago about improvements, and they had no plans for improvements. He noted he had just heard today about Sydnor's plans to sell, but they will continue to manage the company. Mr. Hudgins then addressed the 65/35 requirement for a water project, stating it was a long-standing verbal agreement of the Board, but the final decision for a project to go forward was with the Board of Supervisors.

Mr. Zaremba asked about the cost per homeowner to connect to the systems.

Mr. Hudgins indicated it would be about \$5,000 per household.

Mrs. Noll asked if there were payment plans for the citizens to consider.

Mr. Hudgins indicated there is a big advantage with both projects being constructed together because there are many methods in the billing office to deal with the payments, and a homeowner does not have to start payment on one project until the other is paid. He also noted that there are provisions for low-income households as well.

Mr. Zaremba next addressed the Yorktown Architectural Guidelines, noting the subject has been tabled twice. He stated the landowners group met on August 26, and the group has a series of recommendations to make to the Board. A meeting has been set up for Monday, September 8 at 6:30 p.m. at Nancy Thomas' workshop, which he and Mr. Barnett will attend, to discuss the recommendations. Mr. Zaremba invited one other Board member to attend with them. He then stated the landowners group would like to meet with the entire Board and make a presentation at the September 16 Regular Meeting. He stated he also would report to the Board at that time.

Mr. Wiggins volunteered for the meeting with Mr. Zaremba on September 8. He noted this was not a normal situation in that there hasn't been an architectural review board before in York County. He then spoke regarding the drainage in York County. He stated the Board of Supervisors has allocated over \$3.5 million for the drainage problems, and the plan is being engineered at present. Mr. Wiggins stated the Board is committed to solving the problem, but it can't be done overnight; and he will continue to work hard in the future to carry this program through to the end and solve the problem.

Chairman Burgett thanked everyone for the cards and phone calls with concern and condolences regarding his mother's passing. He then noted he had visited Kiln Creek Park, and encouraged people in Districts 4 and 5 to visit this park and take advantage of its beautiful facilities. Mr. Burgett spoke concerning the landfill, and asked if the County has one of the brushes for the front of a tractor to sweep the road, noting it would help make the facility look better. He then noted the Route 17 Revitalization Committee would be making its report at the next regular Board meeting. He stated there has been a lot of wonderful publicity on this initiative, and the Board is looking for big things out of this committee. He asked that the working members of the committee be invited to attend the Board meeting.

Meeting Recessed. At 7:56 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

VACATION OF SANITARY SEWER EASEMENT

Mr. Barnett made presentation on proposed Resolution R03-143 to authorize the vacation of an existing sanitary sewer easement on property located at 1554 Penniman Road.

Chairman Burgett called to order a public hearing on proposed Resolution R03-143 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE VACATION OF AN EXISTING
COUNTY SANITARY SEWER EASEMENT ON PROPERTY LO-
CATED AT 1554 PENNIMAN ROAD AND OWNED BY C. LEWIS
WALTRIP, II

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Wiggins moved the adoption of proposed Resolution R03-143 that reads:

A RESOLUTION AUTHORIZING THE VACATION OF AN EXISTING
COUNTY SANITARY SEWER EASEMENT ON PROPERTY LO-
CATED AT 1554 PENNIMAN ROAD AND OWNED BY C. LEWIS
WALTRIP, II

WHEREAS, by a deed recorded in Deed Book 741, page 299, C. Lewis Waltrip, II, dedicated a sanitary sewer easement to the County for the purpose of the location of a grinder pump facility; and

WHEREAS, it has been determined that the grinder pump facility was constructed outside of the dedicated easement; and

WHEREAS, C. Lewis Waltrip, II, has offered to dedicate to the County a sanitary sewer easement encompassing the installed grinder pump and also enabling the construction of a sanitary sewer lateral line to serve an adjoining parcel, provided that the County will vacate the existing easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of September, 2003, that the County Administrator be and hereby is authorized to execute a deed or other document as may be required to vacate that easement dedicated by virtue of a deed recorded in Deed Book 741, page 299, and located on property at 1554 Penniman Road owned by C. Lewis Waltrip, II, in exchange for the conveyance to the County of a substitute sanitary sewer easement, as shown on the plat of Landmark Design Group and attached to the County Attorney's memorandum of August 15, 2003, such documentation to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

COMMERCIAL VEHICLE PARKING PROHIBITION

Mr. Carter made a presentation on proposed Ordinance No. 03-38 to amend the York County Code to add several subdivisions to the list of specific areas where parking of certain classifications of commercial, recreational, and passenger carrying vehicles on public streets is prohibited.

Mr. Zaremba asked if there had been any enforcement problems.

Mr. Carter stated this has been a very good preventative arrangement, and people have chosen to obey the new regulations.

Mr. Zaremba stated he was aware of a gentleman in Springfield Terrace whose livelihood depends on a large truck, and he asked if staff has been able to resolve this problem.

Mr. Carter stated it was still a work in progress. He noted he has communicated with Economic Development for alternatives for those in this situation in hopes that something can be worked out.

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 03-38 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD THE WILLIAMSBURG BLUFFS, WOODLAKE CROSGING, MILL CROSSING, HOMESTEAD, YORKSHIRE DOWNS AND BREEZY POINT SUBDIVISIONS TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 03-38 that reads:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD THE WILLIAMSBURG BLUFFS, WOODLAKE CROSGING, MILL CROSSING, HOMESTEAD, YORKSHIRE DOWNS AND BREEZY POINT SUBDIVISIONS TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along residentially oriented streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians, may create noise that disrupts the peace and tranquility of residential areas, and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, the Board has adopted and the Commonwealth Transportation Board has approved, an ordinance that prohibits the parking of certain classifications of vehicles on certain secondary system highways in designated areas of the County; and

WHEREAS, pursuant to requests made by the homeowners associations of certain residential areas, and the investigation of the streets and parking characteristics of those areas, the Board has determined that it would be appropriate and desirable to add six neighborhoods to the list of areas subject to the special parking restrictions; and

WHEREAS, the Board has undertaken its consideration of these additional areas in accordance with the procedures outlined in Section 15-48(c)(4) of the County Code, said procedures having been approved also by the Commonwealth Transportation Board;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 2nd day of September, 2003, that Section 15-48 of Chapter 15, Motor Vehicles and Traffic, York County Code, be and it is hereby amended, subject to approval of the Commonwealth Transportation Board, as follows:

Sec. 15-48. Parking prohibited or restricted in specified places.

(c) *Parking of certain classifications of vehicles in certain designated areas*

(3) Designation of Specific Vehicle Classifications and Areas Subject to Restriction

No person shall park any commercial vehicle, passenger-carrying vehicle, or recreational vehicle (all as defined herein) on any road, highway or street within the state secondary system of highways in any of those areas or subdivisions in the County as described below. In the case of subdivisions, the areas governed by this subsection shall be those areas commonly known by the names listed below and designated on the plats of subdivision recorded in the clerk's office of the circuit court of the county. Such restrictions shall have no application to any privately owned street, or any street owned by a property owners association within the listed areas. In the event a street serves as the dividing line between a residential and commercial zoning district, the parking restrictions shall apply only on the residentially-zoned side of the street.

- a. Skimino Farms subdivision, all sections.
- b. Greensprings vicinity being further described as the area bounded by Bypass Road on the south, Waller Mill Road on the west, Carrs Hill Road on the north, and Route 132 on the east.
- c. Penniman Road/Government Road/Hubbard Lane vicinity being further described as the area bounded by Government Road and Penniman Road on the south and southwest, the Williamsburg city line on the west and northwest, the Colonial Parkway on the north, and Interstate 64 on the northeast and southeast, including, but not limited to, all sections of the Queenswood, Charleston Heights, Springfield Terrace, Nelson Park, York Terrace, Magruder Woods, Bruton Glen, Penniman East, Penniman Woods, Queens Creek Estates, and Middletown Farms subdivisions.
- d. Carver Gardens
- e. Yorktown, being further described as the area bounded by the York River on the northeast, the United States Coast Guard Reserve Training Center on the east, Route 238 and the Colonial Parkway on the southwest, and Yorktown Creek on the west.
- f. York Crossing.
- g. Glen Laurel
- h. Yorkshire Park

- i. Heritage Hamlet
- j. Plantation Acres
- k. Bethany Terrace
- l. Grafton Woods
- m. Sommerville
- n. Villages of Kiln Creek
- o. Williamsburg Bluffs
- p. Breezy Point
- q. Woodlake Crossing
- r. Mill Crossing
- s. The Homestead
- t. Yorkshire Downs

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
 Nay: (0)

ELIMINATION OF VEHICLE DECALS

Mr. McReynolds made a brief presentation on proposed Ordinance No. 03-35 to amend the York County Code to eliminate the requirement to display County vehicle license decals. He noted the Ordinance has an effective date of January 1, 2004, and the fee and requirement to file the return are still in effect. Mr. McReynolds stated the Treasurer and the Commissioner of the Revenue were present to answer any questions the Board members might have.

Mr. Zaremba asked if the citizens will have to make two or three payments during the year, or could this fee be incorporated when paying personal property tax.

Mr. McReynolds indicated it could be, but staff feels combining it with other payments would cause difficulty, and it would be better to leave the payments as they are.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-35 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND CHAPTER 15 OF THE YORK COUNTY CODE IN ORDER TO ELIMINATE THE REQUIREMENT TO DIS- PLAY COUNTY VEHICLE DECALS

Mr. James Chapman, 130 Yorkshire Drive, stated he read about the vehicle tax and the possibility of savings and the discussion on a permanent decal. He stated he went to the County offices looking for background information on cars this morning as to costs of the decal and the \$23 fee and the staff required to implement the program, but couldn't find any. He asked if there was any discussion in passing any savings to the citizens; and he noted if there is a savings in doing away with the decals, the Board should look into giving some of it back to the citizens. Mr. Chapman stated he has been cited in another locality for not having a decal, and it caused him a lot of difficulty in getting it resolved, and he asked if the County was planning

to issue a permanent decal. He also asked the Board to table the ordinance until a full cost outline could be provided.

Mr. Joe Taylor, 109 Marlbank Drive, stated he realized there would be a savings because the County won't have to provide decals anymore. He indicated his concern is when he takes his vehicle into another community and he gets stopped by a policeman and gets a ticket. He asked what protection could the Board provide to assure the citizens that they won't be subjected to that kind of scrutiny in another locality.

There being no one else present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Wiggins stated all the Board has to do is notify the neighboring police and sheriffs departments that York County doesn't require decals anymore. He stated he did not feel it was an issue.

Mr. Barnett stated the City of Virginia Beach has done away with decals, and the surrounding localities know that Virginia Beach doesn't issue them. He stated there is a possibility that a citizen may have to explain it to the Court, but there shouldn't be a fine. Staff is hoping that this action will have a domino effect, and the other localities will also eliminate the requirement for vehicle decals.

Mr. Zaremba stated he feels the Board has heard from many citizens who can't wait for the elimination of the decal. The issue of cost savings, or if there are going to be cost savings returned to the citizens, does not have a bearing on the Board's adoption of this ordinance at this time. He noted that staff can address the fiscal issue between now and January 1, 2004, when it takes effect.

Mr. McReynolds stated there is a regional study group forming on this issue, and County staff is anticipating that all the jurisdictions in the region will follow York's lead in eliminating the decals. Staff is working on a communications plan with the other jurisdictions.

Chairman Burgett noted he favored some sort of permanent decal, but the consensus of the Board was that it would be totally eliminated. The Board can always revisit this if it becomes a problem for citizens. He stated it wouldn't be a problem if all other localities take the same action.

Mrs. Noll moved the adoption of proposed Ordinance No. 03-35 that reads:

AN ORDINANCE TO AMEND CHAPTER 15 OF THE YORK COUNTY
CODE IN ORDER TO ELIMINATE THE REQUIREMENT TO DIS-
PLAY COUNTY VEHICLE DECALS

BE IT ORDAINED by the York County Board of Supervisors, this the 2nd day of September, 2003, that the following amendments to Chapter 15 of the York County Code be, and they are hereby, adopted:

* * *

ARTICLE II. LOCAL VEHICLE REGISTRATION

* * *

Sec. 15-22. Registration fee levied exceptions.

- (a) There is hereby imposed and levied the following annual registration fee pursuant to the provisions of section 46.2-752(A) Code of Virginia, and hereafter referred to as registration fee, upon each and every motor vehicle, trailer and semitrailer normally garaged, stored or parked in the county:

- (1) A fee of twenty-three dollars (\$23.00) is imposed on the following:

- a. Each private passenger car or motor home provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.
 - b. A private motor vehicle other than a motorcycle with a normal seating capacity of more than ten (10) adults including the driver if the private motor vehicle is not used for rent or for hire or is not operated under a lease without a chauffeur.
 - c. A private school bus.
 - d. Each trailer or semitrailer designed for use as living quarters for human beings.
 - e. Each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
 - f. Each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without chauffeur for the transportation of passengers. This subsection does not apply to vehicles used as common carriers.
 - g. A taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the State Corporation Commission as required by law. This subsection does not apply to vehicles used as common carriers.
 - h. A bus used exclusively for transportation to and from Sunday school or church, for the purpose of divine worship.
 - i. Other passenger-carrying vehicles.
 - j. All motor vehicles not designed and used for the transportation of passengers, and pickup and panel trucks.
- (2) A fee of fifteen dollars (\$15.00) is imposed on the following:
- a. A motorcycle, with or without a side car.
 - b. A trailer or semitrailer constituting a part of a combination with a truck or tractor truck (each vehicle of which combination shall be assessed as a separate vehicle).
 - c. Any motor vehicle, trailer, semitrailer, or specialized mobile equipment, on which well drilling machinery is attached, as defined in section 46.2-700, Code of Virginia.
- (3) A fee of six dollars and fifty cents (\$6.50) is imposed on the following:
- A cradle, flatbed, or open pickup type trailer which has one (1) or two (2) wheels and a body width not greater than the width that of the motor vehicle to which it is attached at any time of operation, is pulled by a passenger car, or a pickup or panel truck having an actual gross vehicle weight not exceeding five thousand (5,000) pounds, and is used for carrying property weighing no more than one thousand five hundred (1,500) pounds at any one time, and for all trailers designed exclusively to transport boats. Nothing in this subsection shall apply to the fees for trailers or semitrailers designed for use as living quarters for human

beings, or to those trailers or semitrailers operated under lease or rental agreement, or operated for compensation.

- (4) A fee of five dollars (\$5.00) is imposed on the following:

Any antique motor vehicle licensed pursuant to the provisions of section 46.2-730, Code of Virginia.

The registered owner of any such motor vehicle, trailer or semitrailer shall be liable for the registration fee herein levied.

In no event shall the county's fee exceed that of the state for a similar motor vehicle, trailer or semitrailer.

The registration fees specified in this section shall be reduced by one-half ($\frac{1}{2}$) for passenger vehicles and pickup or panel trucks upon production of proof that any such vehicle is licensed by the division of motor vehicles in the name of a member of the Virginia National Guard, pursuant to section 46.2-744, Code of Virginia.

- (b) Nothing contained in this section shall be construed as imposing a county registration fee upon any of the following, as to all of which vehicles the owners are hereby exempted from payment of the registration fees provided in this section:

- (1) All motor vehicles, trailers and semitrailers exempted therefrom by general law of the state or owned by the county or any governmental agency and operated solely in governmental business;
- (2) One (1) motor vehicle owned and used personally by any member of the (i) county volunteer fire and rescue squad; or (ii) a volunteer deputy sheriff in the Sheriff's Department.
- (3) One (1) motor vehicle owned and used personally by any disabled veteran, as defined in section 46.2-739, Code of Virginia;
- (4) One (1) passenger vehicle, pickup or panel truck, as defined in section 46.2-100, Code of Virginia, owned by any person who furnishes written evidence from one of the armed forces that such person was a prisoner of the enemy in any war and, if not currently a member of the armed forces, was honorably discharged;
- (5) All motor vehicles, trailers and semitrailers exempted by section 46.2-755, Code of Virginia;
- (6) All motor vehicles, trailers and semitrailers owned and registered solely in the name of members of the armed forces of the United States not domiciliary residents of Virginia, who are absent from the state or other jurisdiction of which they are domiciliary residents in compliance with orders of any of the uniformed services of the United States, but only if the license, fee or excise required by the state or jurisdiction of their domiciliary residence has been paid as to any such vehicle registered in Virginia.
- (7) All motor vehicles, trailers and semitrailers owned by and registered in the name of persons who reside on a government reservation within the exclusive jurisdiction of the United States .

In any case wherein this schedule of registration fees the registration is being purchased after September 15 of any year, and the owner was not required by this section to have paid a registration fee before such date of purchase, the fee shall be reduced by one-half ($\frac{1}{2}$).

Sec. 15-23. Payment of registration fee.

- (a) The registered owner of each motor vehicle, trailer and semitrailer normally garaged, stored or parked, or to be normally garaged, stored or parked in the county, shall, on or before the fifteenth day of February of each calendar year, pay to the treasurer the proper registration fee, as prescribed in this article, and such fees, together with any penalties imposed.
- (b) The registered owner of any passenger car, pickup or panel truck, or motorcycle, other than those provided for in section 46.2-652, Code of Virginia, which has been duly registered for the current calendar year in another state or country and which has displayed upon it the license plate or plates issued for such vehicle in such other state or country, who moves into the county shall within thirty (30) days of so pay the registration fee in accordance with this section.
- (c) The registered owner of any motor vehicle, trailer and semi-trailer, for which a local vehicle license or registration fee has been paid to another jurisdiction in Virginia, who moves into the county and normally garages, stores or parks such motor vehicle, trailer or semi-trailer in the county shall, within thirty (30) days of moving into the county, register their vehicle in accordance with this section. No registration fee shall be assessed for the remainder of the current registration term as specified in section 15-27 of this article.
- (d) Every purchaser of a new or used motor vehicle, trailer or semitrailer which normally will be garaged, stored or parked in the county shall have thirty (30) days from the date of purchase to pay the local vehicle registration fee in accordance with this section.

Sec. 15-24. Issuance of registration.

Upon payment of the fee, as provided for in section 15-23, the treasurer shall issue a receipt for the motor vehicle, trailer or semitrailer covered by the application. The issuance of such receipts shall begin on the first day of January of each year.

Sec. 15-25. Vehicles registered in other localities.

It shall be unlawful for any owner or operator of a motor vehicle, trailer or semitrailer who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer or semitrailer a valid decal issued by such locality to drive or park such motor vehicle, trailer or semitrailer on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752.K., Code of Virginia, for the regional enforcement of licensing requirements.

Sec. 15-26. Imposition of license fee for motor vehicles not displaying current state license plates.

There is hereby imposed an annual license fee of one hundred dollars (\$100.00) per motor vehicle on the owners of motor vehicles in the county which do not display current state license plates and which are not exempted as provided in section 15-30 of this article.

Sec. 15-27. Terms for which license fee applicable.

The annual license fee imposed by section 15-26 shall be payable in advance on February 15 of each year and ending on the fourteenth of February of the succeeding year; provided, further, that such fee shall be due, except as hereinabove specified, on the first day that the owner is subject to the fee in accordance with the provisions of section 15-26.

Sec. 15-28. Proration of license fee.

In any case wherein the license required by section 15-26, is being purchased on or after August 15 of any year, and the owner was not required to have paid a license fee before such date of purchase, the amount thereof shall be fifty dollars (\$50.00) instead of one hundred dollars (\$100.00).

Sec. 15-29. Payment of license fee and evidence thereof.

The license fee imposed by section 15-26 of this article shall be paid to the county treasurer, who shall issue a receipt on a form supplied by the county administrator.

15-30. Exemptions.

The following motor vehicles shall be exempt from the license fee imposed by section 15-26 of this article:

- (a) Any motor vehicle which is in a public dump, in an "automobile graveyard" as defined in section 33.1-348, Code of Virginia, or in the possession of a licensed junk dealer or a licensed motor vehicle dealer.
- (b) Any vehicle being held or stored by or at the direction of any governmental authority, any vehicle owned by a member of the armed forces on active duty, or any vehicle regularly stored within a structure.
- (c) Any motor vehicle as to which a temporary permit has been issued by the division of motor vehicles, pursuant to the provisions of section 46.2-650, Code of Virginia.
- (d) Any motor vehicle as to which the division of motor vehicles has issued a temporary one-trip permit, pursuant to the provisions of section 46.2-651, Code of Virginia.
- (e) Any tractor truck or truck operating pursuant to a special temporary registration or permit issued by the division of motor vehicles for the transportation of heavy construction equipment, cranes, well-digging apparatus and other heavy equipment upon the highways of this state from one point to another within this state or from this state to a point or points without this state, or from without this state to a point or points within this state, pursuant to the provisions of section 46.2-652, Code of Virginia.
- (f) Any motor vehicle operating under a special temporary registration or permit issued by the division of motor vehicles for the transportation of mobile homes or house trailer from one point to another within this state, or from this state to a point or points without this state, or from without this state to a point or point within this state, pursuant to the provisions of section 46.2-653, Code of Virginia.
- (g) Any backhoe, any truck bearing a machine for spraying fruit trees and plants or the owner or lessee of the truck, any motor vehicle used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof, any farm machinery and tractors, any motor vehicle validly registered in another state and bearing valid license plates issued by such state, for the use of which the owner or lessee of the farm has contracted as an incidental part of the harvesting of a crop from such farm, while such vehicle is engaged in moving farm produce from such farm as an incidental part of such harvesting operations, any farm or other tractor or similar vehicle owned by a sawmill operator, any motor vehicle used at mines, any motor vehicle used by a commercial fisherman, his agent or employee for the purposes of transporting his boat or boats or other equipment in his trade, and any other vehicle exempted from the requirement to obtain license plates and decals, pursuant to the provisions of sections 46.2-663 through 46.2-665, 46.2-667 through 46.2-669, 46.2-671 and 46.2-674, Code of Virginia.

- (h) Any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, where the sole function of said motor vehicle is to haul coal from mine to tipple or to haul other mined or quarried products from mine or quarry to the processing plant, pursuant to the provisions of section 46.2-675, Code of Virginia.
- (i) Any vehicle designed to transport persons playing golf and their equipment from one hole on a golf course to another, and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway from one hole of a public or private golf course to another hole thereof and any self-propelled vehicle, designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts, or cleats, pursuant to the provisions of section 46.2-676 and 46.2-679, Code of Virginia.
- (j) Any motor vehicle properly registered in Maryland and used for the purpose of hauling oyster shells for a distance of less than three (3) miles on a public highway of this state to navigable waters to be further transported by water to Maryland, pursuant to the provisions of section 46.2-680, Code of Virginia.
- (k) Any firefighting truck, upon which there is permanently attached firefighting apparatus when such vehicle is owned or under exclusive control of a volunteer fire department, and ambulances or other vehicles owned or used exclusively by such volunteer fire department of volunteer lifesaving or first aid crew or rescue squad, provided that any such vehicle is used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased or loaned to any private individual, firm or corporation, and no charges are made by such organization for the use of such vehicles, pursuant to the provisions of section 46.2-681, Code of Virginia.
- (l) Farm tractors, road rollers and road machinery used for highway purposes, pursuant to the provisions of section 46.2-682, Code of Virginia.
- (m) Any machine known as a traction engine or any locomotive engine or electric car running on rails, pursuant to the provisions of section 46.2-683, Code of Virginia.
- (n) Any motor vehicle as to which a written permit has been obtained from the local police authorities having jurisdiction over highways in the county for the purpose of operating it or moving it or causing it to be moved or operated upon the highways of the county from the factory where manufactured or assembled to a railway depot, vessel or place of shipment or delivery, pursuant to the provisions of section 46.1-119, Code of Virginia.
- (o) Any motor vehicle as to which a written permit has been obtained from the local police authorities having jurisdiction over highways in the county for the purpose of operating it or moving it or causing it to be moved or operated upon the highways of the county from a vessel, railway depot, warehouse or any place of shipment or from a factory where manufactured or assembled to a sales room, warehouse or place of shipment or transshipment, pursuant to the provision of section 46.1-120, Code of Virginia.
- (p) Any motor vehicle located more than one thousand feet (1,000') from the nearest edge of the hard surface of any interstate or primary highway or more than five hundred feet (500') from the nearest edge of the hard surface of any other highway.
- (q) Any motor vehicle which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of any highway or adjacent properties.
- (r) Vehicles which are stored on private property for a period not in excess of sixty (60) days, for the purpose of removing parts for the repair of another vehicle.

* * *

September 2, 2003

BE IT FURTHER ORDAINED that this ordinance shall become effective on January 1, 2004.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, 7, and 8, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the August 5, 2003, Regular Meeting were approved.

Item No. 5. STREET ACCEPTANCES: Resolutions R03-139, R03-140, and R03-144

Resolution R03-139:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE A STREET INTO THE SECON- DARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee an unencumbered right of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 2nd day of September, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Department of Environmental and Development Services and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted September 2, 2003

The following Form SR-5A is hereby attached and incorporated as part of the

governing body's resolution for changes in the secondary system of state highways.**Report of Changes in the Secondary System of State Highways**

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision**Russell Lane**Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Russell Lane, State Route Number 1847*Description:* **From:** Route 600 (Big Bethel Road)**To:** End of cul-de-sac

A distance of: 0.20 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 2/3/1971 in Plat Book 8, Page 278, and in Deed Book 707, Page 809 and in Deed Book 707, Page 813 with a width of 50'Resolution R03-140:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN COVENTRY, PRESSON ARBOR, SECTIONS 6A-1, 6A-2, AND 6B, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 2nd day of September, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Coventry, Presson Arbor, Sections 6A-1, 6A-2, and 6B, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted September 2, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision**Coventry, Presson Arbor, Sections 6A-1, 6A-2, and 6B**

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name**Honeysuckle Lane, State Route Number 1745**

Description: **From:** Route 1777 (Leyland Court)
To: Route 1808 (Shorewood Trace)

A distance of: 0.11 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 7/22/1999, Plat Book 13, Pages 21-22, on 8/5/1999, Plat Book 13, Pages 34-35, and on 3/20/1997, Plat Book 12, Pages 456-457, with a width of 50'

Lockmere Court, State Route Number 1809

Description: **From:** Route 1745 (Honeysuckle Lane)
To: End of cul-de-sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/5/1999, Plat Book 13, Pages 34-35, with a width of 50'

Shorewood Trace, State Route Number 1808

Description: **From:** Route 1745 (Honeysuckle Lane)
To: End of cul-de-sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/5/1999, Plat Book 13, Pages 34-35, with a width of 50'

Resolution R03-144:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN THE PORT MYERS SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 2nd day of September, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Port Myers and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted September 2, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Port Myers

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Benjamins Court, State Route Number 1171

Description: **From:** Route 1170 (Sadelia Drive)
To: End of Cul-de-sac

A distance of: 0.14 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Fisher Court, State Route Number 1174

Description: **From:** Route 1172 (Vista Drive)
To: End of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on

2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Sadelia Drive, State Route Number 1170

Description: **From:** Route 622 (Seaford Road)
 To: Route 1171 (Benjamins Court)

A distance of: 0.12 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Tignor Court, State Route Number 1173

Description: **From:** Route 1172 (Vista Drive)
 To: End of cul-de-sac

A distance of: 0.08 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Vista Drive, State Route Number 1172

Description: **From:** Route 1170 (Sadelia Drive)
 To: Route 1173 (Tignor Court)

A distance of: 0.10 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Description: **From:** Route 1173 (Tignor Court)
 To: Route 1174 (Fisher Court)

A distance of: 0.04 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Description: **From:** Route 1174 (Fisher Court)
 To: End of Cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 2/26/2001 in Plat Book 13, Pages 246-250, with a width of 50'

Item No. 6. PURCHASE AUTHORIZATION: Resolution R03-142

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
 TO EXECUTE AGREEMENTS FOR CONSTRUCTION OF READ
 STREET PUMP STATION REPLACEMENT PROJECT AND TO PRO-
 CURE POLICE PACKAGE VEHICLES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of September, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

Read Street Pump Station Replacement Project	<u>AMOUNT</u> \$304,537
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Police Package Vehicles

\$124,444

Item No. 7. REFUND OF TAXES: Resolution R03-141

A RESOLUTION TO AUTHORIZE PAYMENT OF A REFUND OF BUSINESS PERSONAL PROPERTY TAX TO RACETRAC PETROLEUM, INC.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Racetrac Petroleum, Inc. has made application to the Commissioner of the Revenue for a refund of a portion of the business personal property taxes paid in 2002, due to the erroneous inclusion of the company's leased equipment in with their owned equipment listing; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of September, 2003, that the Treasurer is authorized to refund to Racetrac Petroleum, Inc. business personal property taxes in the amount of \$4,072.60, plus accrued interest in the amount of \$390.16, for a total refund of \$4,462.76, such refund to be applied to its 2003 personal property taxes.

Item No. 8. REVENUE SHARING PROJECT AGREEMENT AUTHORIZATION: Resolution R03-150

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF THE UPPER COUNTY SIGN REPLACEMENT REVENUE SHARING PROJECT AND TO APPROPRIATE VDOT REVENUE SHARING FUNDS

WHEREAS, the Virginia Department of Transportation (VDOT) has approved the County's request to establish a Revenue Sharing Program project for replacement of route marker and directional signs in the Upper County; and

WHEREAS, the County has pledged up to \$10,000 in County funds for this project, to be matched by an equal amount in VDOT Revenue Sharing Program funds; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects or may opt for administration and implementation by VDOT.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of September, 2003, that the County Administrator be, and he is hereby, authorized to execute such agreement between York County and the Commonwealth of Virginia Department of Transportation as necessary to provide for the implementation of the above-noted project, said agreement to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing funds in an amount up to \$10,000 to be received from the Virginia Department of Transportation for the project be, and hereby are, appropriated in the County Capital Fund.

NEW BUSINESS

EXTENSION OF USE PERMIT TIME LIMIT

Mr. Carter made a presentation on proposed Resolution R03-145 to approve a minor modification of a previously approved special use permit allowing a six-month extension to George Nice and Sons, Inc. He noted there have been no complaints from the surrounding neighbors.

Mr. Zaremba stated he was in the area over the weekend, and he could vouch for the good neighbor policy. He stated no one would know it was a storage site; it is impeccably kept.

Discussion followed on the adequacy of the proposed six-month time extension.

Mrs. Noll then moved the adoption of proposed Resolution R03-145(R) that reads as follows:

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A
PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZ-
ING A ONE-YEAR EXTENSION OF THE TERM OF A SPECIAL
USE PERMIT FOR THE GEORGE NICE AND SONS, INC., SMALL
CONTRACTING BUSINESS

WHEREAS, George Nice and Sons, Inc., submitted Application No. UP 540-98, which requested a Special Use Permit, pursuant to Section 24.1-283 (Category 3, No. 3) of the York County Zoning Ordinance, to authorize the establishment of a contracting business operated as a home occupation, with associated equipment and outdoor vehicle storage, on the parcel located at Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-(1)-B; and

WHEREAS, on January 20, 1999, the York County Board of Supervisors approved said application through the adoption of Resolution No. R99-2(R); and

WHEREAS, pursuant to the conditions of the use permit authorization, the term of validity will expire on January 19, 2004; and

WHEREAS, George Nice and Sons, Inc., has submitted Application No. UP-623-03, which requests amendment of the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize at least six-month extension of the term of validity.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of September, 2003, that Application No. UP-623-03, be, and it is hereby, approved to authorize a one year extension in the term of the special use approved by the Board on January 20, 1999, thus making the new expiration date January 20, 2005;

BE IT FURTHER RESOLVED that all other terms of the especial Use Permit, as contained in Resolution No. R99-2(R), shall remain in full force and effect.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

Meeting Adjourned. At 8:32 p.m. Chairman Burgett declared the meeting be adjourned to 6:00 p.m., Tuesday, September 9, 2003, in the East Room, York Hall, for the purpose of conducting a work session.

